

OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

May 04, 2016

Deputy Raul C. Guerrero, #[redacted]

Dear Deputy Guerrero:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twenty-five (25) days.

An investigation under IAB File Number 2401230, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/110.60, Use of Informants; and/or 3-01/040.97, Safeguarding Persons in Custody; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it relates to 5-09/520.20, Logging Public Contacts), on or about August 10, 2014, you failed to conform to the work standards established for your rank of patrol trained deputy sheriff, and/or strictly adhere to the Department's informant policy and/or safeguard Mr. [redacted] as evidenced by, but not limited to the following:

   a. allowing Mr. [redacted] a person in the custody of the Los Angeles County Sheriff's Department, to arrange and secure the recovery of an illicit firearm while intimating Mr. [redacted] would be allowed to have his arrest charges reduced; and/or,

b. allowing Mr. [redacted] a parolee, to travel in the backseat of a patrol vehicle in an unsafe manner and un-handcuffed; and/or,

c. placing Mr. [redacted] in a tactical and potentially deadly situation; and/or,

d. failing to log a vehicle stop and properly identify "[redacted]", "[redacted]" or "[redacted]"

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders (as it relates to 3-10/150.00, Tactical Incidents; and/or 3-03/210.06, Revolver/Semi-Automatic Pistols Flashlight/Laser; and/or Field Operations Directive 04-004, Patrol Area Integrity); and/or 3-01/030.05, General Behavior, on or about August 10, 2014, you failed to perform to the work standards established for a patrol trained deputy sheriff and displayed poor decision making and judgment when you failed to safeguard the public, employ proper tactics and ensure officer safety as you engaged in a tactical incident as evidenced by, but not limited to the following:

a. admitting to contacting Mr. [redacted] for a basic traffic violation and conducting a tactical operation in the City of Los Angeles, outside of the Sheriff's Department's reporting district; and/or,

b. failing to communicate, coordinate, and implement a tactically sound plan and contingencies; and/or,

c. failing to request and utilize additional Departmental resources prior to engaging in a tactical operation; and/or,

d. utilizing the flashlight attached to your duty weapon as an illumination device; and/or,

e. placing yourself in danger by entering an alley where a person was anticipated to be in possession of a firearm.

Your conduct brought discredit to yourself and to the Department.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by Department executives, including your Unit and Division Commanders.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Patty Choe, of Internal Affairs Bureau, at [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

BOBBY D. DENHAM, CHIEF
CENTRAL PATROL DIVISION

BDD:JMR:pc

cc: Advocacy Unit
Employee Relations Unit
Bobby D. Denham, Chief, Central Patrol Division
Internal Affairs Bureau
(File # IAB 2401230)

DISPOSITION WORKSHEET

Re: IAB IV 2401230
Subject: Raul Guerrero, #[redacted]
Investigator: George Marchena, Internal Affairs Bureau
Advocate: Julia M. Valdes, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/110.60, Use of Informants; and/or 3-01/040.97, Safeguarding Persons in Custody; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it relates to 5-09/520.20, Logging Public Contacts) on or about August 10, 2014, Subject Guerrero failed to conform to the work standards established for his rank of patrol trained deputy sheriff, and/or strictly adhere to the Department's Informant Policy and/or safeguard Mr. [redacted] as evidenced by, but not limited to the following:

    a. allowing Mr. [redacted] a person in the custody of the Los Angeles County Sheriff's Department, to arrange and secure the recovery of an illicit firearm while intimating Mr. [redacted] would be allowed to have his arrest charges reduced; and/or,

    b. allowing Mr. [redacted] a parolee, to travel in the backseat of a patrol vehicle in an unsafe manner and un-handcuffed; and/or,

    c. placing Mr. [redacted] in a tactical and potentially deadly situation; and/or,

    d. failing to log a vehicle stop and properly identify "[redacted]", "[redacted]" or "[redacted]".

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders (as related to 3-10/150.00, Tactical Incidents); and/or 3-01/030.05, General Behavior, on or about August 10, 2014, Subject Guerrero failed to perform to the work standards established for a patrol trained deputy sheriff and displayed poor decision making and judgment when he failed to employ proper tactics and maintain

proper officer and public safety when he engaged in a tactical incident as evidenced by, but not limited to the following:

a. failing to communicate, coordinate, and implement a tactically sound plan and contingencies; and/or,

b. failing to request and utilize additional Departmental resources prior to engaging in a tactical operation; and/or,

c. utilizing the flashlight attached to his duty weapon as an illumination device; and/or

d. placing himself in danger by entering an alley where a person was anticipated to be in possession of a firearm.

Subject Guerrero's conduct brought discredit to himself and to the Department.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following

Analogous misconduct with associated disciplinary penalties:

Conduct	Standard Discipline
Performance to Standards Use of Informants Safeguarding Persons in Custody	W/R to Discharge
Obedience to Laws, Regulations and Orders Logging Public Contacts Tactical Incidents	W/R to Discharge
General Behavior	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_X__ **Suspension with loss of pay and benefits for __20__ days**
____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

<u>**TABLE OF CONTENTS**</u>

SH 2362775



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY o District Attorney
JOHN K. SPILLANE o Chief Deputy District Attorney
JOSEPH P. ESPOSITO o Assistant District Attorney

SCOTT K. GOODWIN o Director

May 7, 2015

Captain Rod Kusch
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #14-0522
L.A.S.D. File #014-12287-2199-055

Dear Captain Kusch:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 10, 2014, non-fatal shooting of Saulo Solares by Los Angeles County Sheriff's Department Deputy Raul Guerrero. We find that Deputy Guerrero acted lawfully in self-defense.

The District Attorney's Command Center was notified of the shooting on August 10, 2014 at approximately 7:27 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Renee Chang and District Attorney Senior Investigator David Wolf, responded and was given a briefing of the circumstances and a walk-through of the scene.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Detectives Sylvia Brossoit and Helen Ewell, LASD Homicide Bureau. The voluntary statement of Deputy Guerrero was considered as part of this analysis.

FACTUAL ANALYSIS

On August 10, 2014, at approximately 2:40 a.m., LASD Deputies Raul Guerrero and Randy Gomez were on uniformed patrol in a marked police vehicle.[1] They observed [redacted] jaywalking near the intersection of 117th Street and Main Street in the City of Los Angeles. The deputies conducted a pedestrian stop. During the stop, the deputies observed [redacted] discard a small baggie onto the ground. Gomez recovered the baggie which contained several bindles of cocaine and methamphetamine. Guerrero and Gomez placed [redacted] under arrest. [redacted] told the deputies that he did not want to go back to jail.[2] In exchange for his freedom, [redacted] offered to assist the deputies by

[1] Gomez was the driver and Guerrero was the passenger.
[2] At the time of the incident, [redacted] was on parole for attempted robbery.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

turning in someone with a gun. The deputies agreed. Using his cell phone, [redacted] made several phone calls to obtain a gun.[3] From the backseat of the patrol vehicle, [redacted] directed the deputies to an alley near 118th Street in the City of Los Angeles where Solares was to meet [redacted] with a handgun.

At approximately 3:40 a.m., Gomez parked the patrol car approximately 20 to 30 feet from the entrance to the alley. Gomez and [redacted] remained in the car while Guerrero exited the vehicle and walked to the alley. [redacted] remained on the phone with Solares. Guerrero looked into the alley but did not see anyone. He made a hand signal to Gomez that nobody was there. As Guerrero was about to walk back to the patrol vehicle, he turned and saw Solares standing in the alley approximately 30 feet away from him. Guerrero identified himself as a deputy and ordered Solares to stop. Guerrero stated that Solares reached into his waistband with his right hand and pointed a handgun in Guerrero's direction.[4] Out of fear for his life, Guerrero fired two rounds from his service weapon, striking Solares one time in the abdomen.[5] Guerrero stated that Solares turned and ran approximately 40 feet away before he fell to the ground, dropping the handgun where it was later recovered at the scene.[6] Solares was taken to Harbor UCLA Medical Center where he was treated for a gunshot wound to his right pelvic area.

Statement of [redacted]

[redacted] stated that he was stopped for jaywalking by Guerrero and Gomez. The deputies recovered marijuana from him. The deputies told him that they could either arrest him for possession of narcotics or possession for sale of narcotics. The deputies stated that they would let him go if he would "just give me a gun right now." [redacted] agreed. Using his cell phone, he called "Grande" (Solares) and requested a gun. Solares stated that he did not have one on him and that [redacted] should call "[redacted]" [redacted] called [redacted] who informed him that he would give Solares a gun to deliver to him. [redacted] spoke with Solares again. Solares informed [redacted] that he had received a gun from [redacted] and was walking down the alley near 118th Street. [redacted] remained on speakerphone with Solares as the deputies drove to the alley and parked down the street. Guerrero exited the patrol

---

[3] When the deputies arrested [redacted] did not have his cell phone with him. [redacted] stated that his friend "[redacted]" had his cell phone in her car. As the deputies were driving with [redacted] in the backseat of their patrol vehicle, they saw [redacted] driving her vehicle. [redacted] gave [redacted] his cell phone which he used to arrange the purchase of a handgun from [redacted]

[4] Gomez stated that, from his position inside the patrol vehicle, he was able to see Guerrero at the entrance of the alley but could not see Solares.

[5] Guerrero was armed with a Smith & Wesson, model M&P9, 9mm Luger caliber semiautomatic pistol.

[6] Solares was armed with a Colt, .357 Magnum, Model Trooper Mark III revolver. It was loaded with six live cartridges. This weapon was stolen during a residential burglary in 2011. Fingerprint and DNA test results were inconclusive.

[7] [redacted] was interviewed on August 10, 2014 by Ewell and Brossoit. Also present were DDA Chang, DAI Wolf, and LASD Internal Affairs Sergeant Kevin Pearcy. [redacted] is a member of the East Coast Crips criminal street gang. He has [redacted] As a result of this incident, [redacted] was convicted of a violation of Health and Safety Code section 11350(a) in case number TA134567.

vehicle and walked into the mouth of the alley. [redacted] heard Guerrero shout and then heard two gunshots. From his position inside the patrol vehicle, [redacted] was unable to see Guerrero or anyone else in the alley.[8]

Statement of Saulo Solares[9]

Solares stated that he was with an individual that he knew as "Po-Po". They were walking in the area of 118th Street in an attempt to buy marijuana when Po-Po received a call on his cell phone. Po-Po handed Solares his cell phone and a handgun and instructed Solares to walk down an alley toward 118th Street to deliver the gun to "[redacted]". As Solares walked through the alley, he was speaking with [redacted] ([redacted]) on the cell phone. Solares held the handgun in his left hand with his arm down by his side. A few moments later, Solares heard Guerrero identify himself as a police officer. Solares turned to run as he simultaneously attempted to discard the handgun. He was immediately struck by gunfire and fell to the ground. Solares denied raising or pointing the handgun at Guerrero.[10]

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense if it reasonably appears that the person claiming the right of self-defense actually and reasonably believed that he was in danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 3470.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v. Collins (1961) 189 Cal.App.2d 575.

---

[8] In an earlier interview that day, [redacted] initially denied that he was involved in the purchase of a handgun. He stated that he was being detained by the deputies when he observed one of the deputies "jump out of the car, for no apparent reason." [redacted] was interviewed a second time and told that there was activity on his cell phone. At that time, he admitted that he had arranged the purchase of the gun to avoid going back to jail.

[9] Solares was interviewed on August 13, 2014 by Ewell and Brossoit at Harbor UCLA Medical Center. Solares is a member of the East Coast Crips criminal street gang. He has sustained petitions in juvenile court for receiving stolen property, carrying a loaded firearm, and burglary. He has pending criminal charges for exhibiting a firearm and illegal possession of a firearm in case TA134785 for this incident.

[10] During the interview, Solares initially denied possessing the handgun that was recovered at the scene. When the LASD investigators told him they were going conduct a DNA test on the gun that was recovered from the scene, Solares admitted to possessing the gun with the intent to deliver it to [redacted]

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight….The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." Graham v. Conner, (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined shows that Deputies Guerrero and Gomez arrested [redacted] for possession of narcotics. In an attempt to stay out of jail, [redacted] offered to obtain an illegal handgun. As he was seated in the backseat of the patrol vehicle, [redacted] called Solares. While on the phone with Solares, [redacted] directed the deputies to the alley near 118th Street. Gomez and [redacted] remained in the parked patrol vehicle as Guerrero exited and walked toward the alley.

Guerrero observed Solares in the alley approximately 30 feet away. Aware that Solares was likely armed with a handgun, Guerrero identified himself as a police officer. Solares raised a firearm in his direction. In fear for his life, Guerrero responded with deadly force, firing two rounds at Solares from his service weapon and striking him in the abdomen.

We find that Deputy Guerrero acted in lawful self-defense when used deadly force against Saulo Solares. We are closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By Renee Chang

RENEE CHANG
Deputy District Attorney
(213) 974-3888

CONTENTS NOTED R.A. KUSCH, CAPT. 6-1-15

c: Deputy Raul Guerrero, #[redacted]